

BOARD OF COUNTY COMMISSIONERS
RESOLUTION #23-023

AREAS AND ACTIVITIES OF STATE INTEREST CASE #SI2023-0001
CONCERNING THE SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND
COLLECTOR HIGHWAYS
LOCATED IN THE UNINCORPORATED PORTIONS OF THE I-70 RIGHT-OF-WAY
BETWEEN MILEPOST 232 AND MILEPOST 243

WHEREAS, CRS 24-65.1-101(2)(b) provides that: "Local governments shall be encouraged to designate areas and activities of state interest and, after such designation, shall administer such areas and activities of state interest and promulgate guidelines for the administration thereof"; and

WHEREAS, the Clear Creek County Board of Commissioners has adopted regulations as per Resolution #06-92, pertaining to Review for Areas and Activities of State Interest pursuant to specified procedures including proper public notice; and

WHEREAS, the Colorado Department of Transportation (CDOT), applicant, has applied for a 1041 Permit for site selection of arterial highways and interchanges and collector highways [*Guidelines and Regulations for Matters of State Interest, Chpt 1(D)(2)(a)(iv)*] to complete a highway improvement for a six-lane component from Floyd Hill through the Veteran's Memorial Tunnels, build out the Clear Creek Greenway from Hidden Valley to US Hwy. 6, and construct the missing segment of the frontage road between Hidden Valley and US Hwy. 6 ("Project"); and

WHEREAS, the Project is divided into three geographic sections: East, Central, and West. The Project will be designed and constructed according to these sections with design packages that are on different schedules. Therefore, in order to facilitate the construction of these separate schedules, the review of the application is separated, at a minimum, into the respective three (3) sections; and

WHEREAS, this Resolution applies only to the **East Section** of the Project as described in the application. The Central and West Sections will be considered at a later date; and

WHEREAS, the Board of County Commissioners, pursuant to public notice published 16 February 2023, held a public hearing at their regularly scheduled meeting on 4 April 2023, to consider the request for a 1041 Permit for the site selection of arterial highways and interchanges and collector highways.

NOW, THEREFORE, based upon the application and the other evidence presented at the hearing, the Board of County Commissioners finds the following facts:

FINDINGS OF FACT

1. The proposal has shown it has obtained all necessary property rights, permits, and approvals.
2. The applicant has the necessary expertise and financial capability to develop and operate the project consistent with all requirements and conditions.
3. The project is technically and financially feasible.
4. The project will not impair property rights held by others.

5. The project will not have an adverse effect on the capability of local governments affected by the Project to provide services, or exceed the reasonable capacity of service delivery systems and public utilities.
6. The project will not create a financial burden on existing or future residents of the County.
7. The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources.
8. The project will not significantly degrade any current or foreseeable future sector of the local economy as long as Condition #3 is implemented to provide the County the information necessary for the County to be prepared for the applicant's traffic management operations and incident management process.
9. The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
10. The project is consistent with local, regional, and state master and comprehensive plans including the County endorsed I-70 Mountain corridor environmental Impact Statement Preferred Alternative, and will not have a significant adverse effect on desired local and community land use patterns.
11. The project avoids or mitigates areas subject to natural hazards.
12. It is reasonably anticipated that the project will not significantly degrade air quality. Condition #1(c) is necessary to monitor this.
13. It is reasonably anticipated that the project will not increase water pollution levels in violation of applicable federal, state, and local surface water and groundwater quality control standards, will not result in a net loss of wetland values and functions, will not significantly degrade terrestrial or aquatic life or its habitats, and will not significantly degrade terrestrial plant life or plant habitat if constructed and operated in a manner designed to mitigate effects, after construction and operation, on water quality. To assure that this finding remains the case for the life of the project Condition #1(a) is necessary.
14. The project will avoid significant adverse impact on critical wildlife habitat.
15. The project does not degrade areas of paleontological, historic, or archaeological importance and will have no adverse impact on cultural resources.
16. The project will not degrade soils or geologic conditions.
17. The planning, design and operation of the project reflects principles of resource conservation, energy efficiency and recycling, and does not degrade existing visual quality.
18. Xeriscaping concepts and water conservation has been demonstrated for landscaping and the project meets the standards of the County's Best Management practices for control of stormwater runoff. Plant species that the County has determined are invasive, noxious, or otherwise a nuisance are prohibited.
19. The project will not cause a nuisance and will not result in an unreasonable risk of releases of hazardous materials as long as Condition #3 is implemented to provide the County the information necessary for the County to be prepared for the applicant's traffic management operations, and incident management process.
20. The project does not impede or interfere with existing mining operations, nor is there an adverse impact on mineral resources in the County.
21. Adequate legal and physical access has been demonstrated.
22. The project is located so that local traffic needs are met and will preserve at grade access from locally-maintained roads.
23. The project is located in a corridor for which a clear and reasonable local and regional need for such facility has been demonstrated.
24. Reasonable alternative modes of transportation have been incorporated into the proposal.

25. The proposed location and access limitation of the Project will not permanently isolate community neighborhoods from public facilities.
26. The proposed location and access limitations will not permanently restrict access via other roadways, mass transit facilities, pedestrian walkways, and bikeways to local commercial services, business, and employment centers, and public facilities.
27. The project does not create safety hazards to motorists, pedestrians, or bicyclists by causing or contributing to overuse, improper use, or congestions, or cause unnecessary diversion or regional traffic onto local roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.
28. The project is located so as to complement the compact and efficient extension of planned public services, utilities, urban-density commercial and residential development, and development in general to full-service communities.
29. The project will adhere to the plan, process, procedure, and requirements of the State of Colorado and the Federal Highway Administration and such construction, expansion, or modification will be included in the Denver Metropolitan Regional Transportation Plan.
30. The benefits of the Project outweigh the social, fiscal, and environmental impact and the loss of any scenic, historical, archeological, or natural resources rendered unavailable as a result of the location of the Project if the conditions are met continuously while the Project is constructed and operated.
31. The use of the Project will not increase air pollution levels beyond applicable federal or state ambient air standards and will conform to the vehicle emissions budget of the State Implementation Plan.
32. Noise levels caused by the Project reasonably are predicted to exceed 55 decibels as measured by a 24-hour Equivalent Sound Level metric at any residence, noise-sensitive public facilities such as schools, museums, courts, libraries, etc., or other noise-sensitive location, recognizing, however, that noise levels with or without the Project would exceed this limitation and therefore most likely already exceed it. Because noise impacts show that noise already exceeds this criterion, it is necessary for noise monitoring to occur to assure that this condition will be met for the life of the proposal. Therefore, Condition #1(b) that requires noise monitoring is necessary.
33. Visual Quality/Scenic Resources
 - a. The Project will be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas, and to blend into the surroundings. Interchanges will be attractively landscaped with natural species suitable for the elevation and climate of the immediate area, and will identify major gateways in the County that are identified in the Clear Creek County 2017 Community Master Plan.
 - b. Further, the Project shall be designed to minimize the alteration of significant natural landforms and to preserve, wherever practical, distinctive natural features. Placement of interchanges and alignments of arterial and collector highways shall respect the existing contours of the land and the natural environment. To assure this criterion is met, Condition # 2 is necessary.
34. Alternatives

The Project is justified in relation to other possible expansion and modification alternatives and not solely in relation to the no-build alternative of no expansion or modification.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby **APPROVES** Activities and Areas of State Interest Case #SI2023-0001 for a 1041 Permit to complete

the **East Section** of a highway improvement for a six-lane component from Floyd Hill through the Veteran's Memorial Tunnels on I-70 subject to CDOT complying with the following conditions:

STIPULATIONS AND CONDITIONS

1. Environmental Conditions

CDOT will track and document its implementation of all environmental mitigation commitments. These commitments were identified in conjunction with Clear Creek County representatives and other various stakeholders during the Project's development.

a. Water Quality

CDOT must coordinate with County Staff, CDOT water quality staff and/or other applicable state agencies to formulate an effective water testing plan that evaluates efficacy of the CMs as designed. Water testing must be measured, at a minimum, at 2 or 3 locations within the East Section on a long-term basis in coordination with CDOT's water quality corridor monitoring.

b. Noise

CDOT will monitor noise in the East Section during Project construction and will continue to monitor noise after construction is complete. Noise shall be measured by a 24-hour Equivalent Sound Level metric or as otherwise approved by the Planning & Building Services Manager. After construction, CDOT will measure noise during both off-peak traffic periods and peak traffic periods, and twice per year; once during the busy periods of the ski season and once during the busy periods of the summer season.

c. Air Quality

CDOT shall partner with the County to develop a dashboard that is available to the public to share data from the two (2) regulatory grade air quality monitors that have been installed in the I-70 corridor. CDOT shall continue to support the County in their effort to achieve regulatory assessment of air quality to determine whether or not this area of the County is a non-attainment area with regard to air quality.

d. Review

CDOT will report all of the data collected regarding the environmental mitigation commitments, and all other environmental data collected in the Project area to the Clear Creek County Planning Department annually no later than June 15th each year. The data will be reviewed by the 1041 Permit Administrator and a report will be provided to the Permit Authority. If the Administrator determines a public hearing with the Permit Authority is appropriate to evaluate the data and compliance with this Permit, or if the Permit Authority requests it, the Permit Authority will schedule one.

2. CDOT shall continue the CSS process with a Construction Project Leadership Team (PLT), similar in composition to the Design PLT and maintain its web presence for the duration of Project construction.
3. A Traffic Management Plan for the East Section shall be submitted to the County by the contractor once a construction contract is awarded. Therefore, the Incident Management Plan located within the TMP when completed, shall be submitted to the BOCC for review and approval prior to construction beginning that would impact traffic flow.

4. The Emergency Plan, when complete, shall be submitted to the BOCC for review and approval prior to construction beginning that would impact traffic flow.
5. A Communication Plan, that describes how County residents will be kept informed, both for planned activities and unexpected emergencies, shall be submitted and approved by the BOCC prior to construction beginning that would impact traffic flow.
6. There shall be no damage incurred on the “Welcome to Clear Creek County” sign maintained by the Clear Creek Tourism Board. Should damage occur from construction, CDOT shall be responsible for repairing or replacing the sign to its original condition.
7. Consideration and approval of this Permit is based on the following specific submittals;
 - a. 1041 Application and Summary (Jan 2023)
 - b. I-70 Floyd Hill Environmental Assessment (Aug 2022)
 - c. I-70 Floyd Hill Finding of no Significant Impact (Jan 2023)
 - d. Floyd Hill East Section 90% Plan Sheets (Jan 2023)
 - e. Floyd Hill East Section 90% Special Provisions (Jan 2023)
 - f. Floyd Hill East Section 90% Cross Sections (Jan 2023)
 - g. Floyd Hill Concept of Operations (Jan 2023)

Therefore, any change to any of the submittal items, made prior to or after a 1041 Permit approval, which is not specifically acknowledged and approved in advance of such change by the Permit Authority (County Commissioners) will constitute a violation of the permit.

ADOPTED this 4th day of April, 2023 at a regularly scheduled meeting of the Clear Creek Board of County Commissioners.

Randall Wheelock, Chairman

George Marlin, Commissioner

Sean C. Wood, Commissioner

Attest:

Deputy Clerk and Recorder